

Serial No. 09/625,889
Page 6

REMARKS

This response is intended as a full and complete response to the final Office Action mailed on March 14, 2006. In the Office Action, the Examiner notes that claims 1-15 are pending and rejected. By this response, Applicant herein amends claims 1, 5, 9, and 12. No new matter has been entered.

In view of the foregoing amendments and the following discussion, Applicant submits that all of the claims now pending in the application are non-anticipated and non-obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicant believes that all of these claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Furthermore, the Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

A. 35 U.S.C. §102

Claims 1, 5, 9, 11 and 12

The Examiner has rejected claims 1, 5, 9, 11 and 12 under 35 U.S.C. §102(e) as being anticipated by Lauer et al. (U.S. Patent No. 6,118,936, issued Sep. 12, 2000, hereinafter "Lauer"). The rejection is respectfully traversed.

In general, Lauer discloses a signaling network management system for collecting network topology, traffic, performance, and fault information, and for correlating that information and displaying the information to system operators. (Lauer, Abstract). Lauer, however, fails to disclose each and every element of the claimed invention, as arranged in the claim. Specifically, Lauer fails to teach or suggest at least the limitation of "wherein the non-managed portion of the circuit comprises a network portion including equipment and links unknown to the

449496-1

Serial No. 09/625,889

Page 7

network management system," as taught in Applicant's invention of at least claim

1. Specifically, Applicant's invention, as defined in claim 1 (and similarly in claims 5, 9, and 12), recites:

"A method for managing adjunct access for a circuit in a network management system, the method comprising the step of:

Identifying a non-managed portion of a circuit, wherein the non-managed portion of the circuit comprises a network portion including equipment and links unknown to the network management system;

identifying a first managed portion of the circuit proximate the non-managed portion of the circuit;

identifying a second managed portion of the circuit proximate the non-managed portion of the circuit; and

providing a link between the first managed portion of the circuit and the second managed portion of the circuit, the link adapted for being characterized as a managed entity by a management system."

[Emphasis added.]

In contrast to Applicant's invention, Lauer teaches a network in which the entire network topology, including all IEC nodes and links and all LEC nodes and links, is known and, therefore, all portions of associated circuits are known and managed by the IEC network management system. In particular, Lauer teaches that at least one of the windows of the IEC network management system "...presents a map of all LEC owned nodes that are located within a specified LATA." (Lauer, Col. 14, Lines 20-22, Emphasis added). Similarly, Lauer specifically teaches that at least one of the windows of the IEC network management system "...presents an STP pair view of a selected LEC signaling network....This display allows the SNMS operator to monitor a LEC signaling network as seen by the IEC nodes." (Lauer, Col. 14, Lines 11-17, Emphasis added).

In other words, Lauer teaches an IEC network management system which includes both IEC equipment and link information and LEC equipment and link information. Since, as taught in Lauer, all network information, including all IEC equipment and links and all LEC equipment and links, is known by the IEC network management system, the entire network of Lauer is known and managed by the IEC network management system. As taught in Lauer, no portion of the network is

449496-1

Serial No. 09/625,889
Page 8

unknown and, therefore, no portion of the network is non-managed. As such, since all IEC and LEC equipment and links are known by the IEC network management system, Lauer fails to teach or suggest identifying a non-managed portion of a circuit, wherein the non managed portion of the circuit comprises a network portion including equipment and links unknown to the network management system, as taught in Applicant's invention of at least claim 1. As such, Lauer fails to teach or suggest each and every element of Applicant's invention of at least claim 1.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). As such, for at least the reasons stated above, Applicant respectfully submits that Lauer fails to teach each and every element of the claimed invention, as arranged in the claim, and as such fails to anticipate the invention of Applicant.

Thus, Applicant submits that independent claim 1 is not anticipated by the teachings of Lauer and, as such, fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Similarly, independent claims 5, 9 and 12 recite relevant features similar to the feature recited in independent claim 1. As such, the Applicant submits that independent claims 5, 9, and 12 are also not anticipated by the teachings of Lauer and, as such, fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Furthermore, dependent claim 11 depends directly from independent claim 9 and recites additional features therefor. As such, and for at least the reasons set forth herein, Applicant submits that dependent claim 11 is also not anticipated by the teachings of Lauer. Therefore, the Applicant submits that dependent claim 11 also fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder.

449496-1

Serial No. 09/625,889

Page 9

B. 35 U.S.C. §103

Claims 2-4, 6-8, 10 and 13-15

The Examiner rejected claims 2-4, 6-8, 10 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Lauer in view of Dodd (Annabel Z. Dodd, "The Essential Guide to Telecommunications," 1998, pp. 144-145). The rejection is respectfully traversed.

Claims 2-4, 6-8, 10 and 13-15 depend from independent claims 1, 5, 9, and 12 and recite additional features therefor. As described above, Lauer fails to teach or suggest Applicant's invention as recited in independent claims 1, 5, 9, and 12. In particular, Lauer fails to teach or suggest at least the limitation of "wherein the non-managed portion of the circuit comprises a network portion including equipment and links unknown to the network management system."

Therefore, at least because the teachings of Lauer do not teach, show, or suggest Applicant's invention of independent claims 1, 5, 9 and 12, Applicant respectfully submits that the teachings of Lauer also do not teach or suggest Applicant's invention of claims 2-4, 6-8, 10 and 13-15, which depend either directly or indirectly from Applicant's independent claims 1, 5, 9 and 12 and recite additional limitations therefor. Furthermore, Dodd fails to bridge the substantial gap between Lauer and Applicant's invention.

The Examiner relies upon Dodd for showing the limitations of dependent claims 2-4, 6-8, 10, and 13-15. In general, Dodd discloses various network management techniques. In particular, the portions of Dodd relied upon by the Examiner specifically teach that "[t]he topology of the operations network must be carefully designed to avoid the situation in which most or all management traffic passes through a single network element, thereby creating a bottleneck." (Dodd, pg 144-145). As such, Dodd merely teaches various network topology designs for routing traffic between the network and associated management systems.

Nowhere in Dodd, however, is there any teaching or suggestion of at least the limitation of "wherein the non-managed portion of the circuit comprises a network portion including equipment and links unknown to the network

449496-1

Serial No. 09/625,889
Page 10

management system," as taught by Applicant's specification and claimed in at least Applicant's independent claim 1.

As such, Applicant submits that independent claim 1 is not rendered obvious by the teachings of Lauer and Dodd, either singly or in combination. Thus, the Applicant respectfully submits that independent claim 1 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Similarly, independent claims 5, 9 and 12 recite relevant features similar to the features recited in independent claim 1. As such, Applicant submits that independent claims 5, 9 and 12 are also not rendered obvious by the teachings of Lauer and Dodd and, as such, fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Furthermore, claims 2-4, 6-8, 10 and 13-15 depend, either directly or indirectly, from independent claims 1, 5, 9, and 12 and recite additional features therefor. Since the combination of Lauer and Dodd does not render obvious Applicant's invention as recited in claims 1, 5, 9, and 12, Applicant submits that dependent claims 2-4, 6-8, 10 and 13-15 are also not obvious and fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder.

Serial No. 09/625,889

Page 11

CONCLUSION

Thus, Applicant submits that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Consequently, Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Mr. Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

5/9/06



Eamon J. Wall
Reg. No. 39,414
(732) 530-9404

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
732-530-9404 - Telephone
732-530-9808 - Facsimile

449496-1